

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

GIBSON BRANDS, INC., a Delaware)	
corporation,)	
)	
Plaintiff/Counterclaim-Defendant,)	Case No. 4:19-cv-00358-ALM
)	
vs.)	
)	
ARMADILLO DISTRIBUTION)	
ENTERPRISES, INC.; CONCORDIA)	
INVESTMENT PARTNERS, LLC,)	
)	
Defendant/Counterclaim-Plaintiff)	
)	
DOES 1 through 10,)	
)	
Defendants.)	

PLAINTIFF’S EMERGENCY SUPPLEMENTAL MOTION FOR CONTEMPT

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Plaintiff Gibson Brands, Inc. (“Gibson”) hereby files its Emergency Supplemental Motion for Contempt and the Request for an Emergency Hearing against Defendants Armadillo Distribution Enterprises, Inc. (“Armadillo”) and Concordia Investment Partners, LLC (“Concordia” and collectively with Armadillo “Defendants”).

I. INTRODUCTION AND BACKGROUND FACTS.

On May 27, 2022, a jury found that Armadillo “sold or marketed a counterfeit of [four Gibson trademarks]. [See Verdict Form at Dkt. No. 498, Question 2.] On July 28, 2022, this Court issued a Final Judgment containing a permanent injunction order against Defendants. The Final Judgment permanently enjoined Defendants from the manufacture, advertisement, and/or sale of its: (1) LUNA Athena 501 guitar; (2) DEAN Gran Sport guitar; (3) guitars bearing, using, or advertising with the word “Hummingbird;” (4) DEAN V guitar; and (5) DEAN Z guitar. [See Dkt. No. 547.] On August 12, 2022, Gibson filed a Motion for Civil Contempt Due to Defendants’ Violations of the Permanent Injunction (“Motion for Contempt”). [See Dkt. No. 552.]

Gibson found that the Defendants still offered the Dean V and Dean Z for sale on the website at www.deanguitars.com in violation of the permanent injunction order. [See Motion for Contempt at 5-6.] The jury found the Dean V and Dean Z to use counterfeits of the Gibson trademarks and therefore, each day of continued advertising and sales of the Dean V and Dean Z guitars irreparably harm Gibson. As a result, Gibson asked this Court to sanction Armadillo by fining them at least \$2,000 per day until they purge the contempt by (1) complying with every requirement of the permanent injunction, (2) paying any accrued fines, and (3) certifying to the Court they have done so. [See *Id.* at 10.]

Defendants opposed Gibson’s Motion for Contempt and filed an opposition brief on September 8, 2022 (“Opposition Brief”). In the Opposition Brief, Defendants claimed Gibson was “capitaliz[ing] on the Rubinson family’s most difficult moments in order to disadvantage


Armadillo.” [Opposition Brief at 1.] Defendants argue this Robinson turmoil combined with a change in lead counsel has left Armadillo without the means to remove the infringing guitars from its website. [*Id.*] Further, in the Opposition Brief, Defendants claim “the fact remains that Armadillo complied with the request, which took four business days to accomplish under the difficult circumstances in which Armadillo found itself.” [*Id.* at 5.]


On September 15, 2022, Gibson filed a reply brief in support of its Motion for Contempt, Dkt. No. 578 (“Reply Brief”). As part of the due diligence in drafting the Reply Brief, Gibson once again audited the website at www.deanguitars.com and found numerous infringements despite Armadillo’s representation to this Court that Armadillo complied with the request. [*See* Reply Brief at 4-8.] At the time the Reply Brief was drafted, the Dean 2022 catalog was linked from www.deanguitars.com and contained three violations of this Court’s permanent protective order. [*See Id.* at 4.]

On October 12, 2022, nearly a month after Gibson filed its Reply Brief noting all of the continued infringement and violations of the permanent injunction order, Gibson performed another audit of www.deanguitar.com to determine if Defendants had removed the infringements. To Gibson’s surprise, it appears that none of the images complained about in the Reply Brief have been removed despite displaying guitars containing counterfeits of Gibson trademarks; in fact, they have included even more images of the Dean V and Dean Z in their *catalog and even offer a new Dean 2022 model for sale*:

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USA MICHAEL SCHENKER 50TH ANNIVERSARY V

- Finish: Black/White/Gold
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Pearl Block
- Scale Length: 24 5/8" (625mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: USA DMT Schenker Lights Out
- Hardware Color: Nickel
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: Case Included


USA MS FIFTY
LIST: \$6,650.00 MAP: \$4,599.00



USA MICHAEL SCHENKER FLAMES

- Finish: Flames Graphic
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Pearl Block
- Scale Length: 24 5/8" (625mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: USA DMT Schenker Lights Out
- Hardware Color: Nickel
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: Case Included
- Limited Run: 100 pcs


USA MS FLAMES
LIST: \$4,399.00 MAP: \$3,299.00



USA MICHAEL SCHENKER STANDARD

- Finish: Black & White
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Pearl Block
- Scale Length: 24 5/8" (625mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: USA DMT Schenker Lights Out
- Hardware Color: Nickel
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: Case Included

USA MS STANDARD
LIST: \$4,399.00 MAP: \$3,299.00



USA MICHAEL SCHENKER YIN YANG

- Finish: Yin Yang Graphic/Black & White
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Pearl Block
- Scale Length: 24 5/8" (625mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: USA DMT Schenker Lights Out
- Hardware Color: Black
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: Case Included
- Limited Run: 75 pcs

USA MS YINYANG
LIST: \$4,399.00 MAP: \$3,299.00





USA MICHAEL SCHENKER RED/BLACK

- Finish: Red & Black
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Pearl Block
- Scale Length: 24 5/8" (625mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: USA DMT Schenker Lights Out
- Hardware Color: Nickel
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: Case Included
- Limited Run: 50 pcs

USA MS RDBK
LIST: \$3,999.00 MAP: \$2,999.00



MICHAEL SCHENKER CUSTOM FLAMES

- Finish: Custom Flame Graphic/Black & White
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Pearl Block
- Scale Length: 24 5/8" (625mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: C
- Nut Width: 1 11/16" (43mm)
- Pickups: DMT Series Schenker Lights Out
- Hardware Color: Chrome
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: Case Included

MS CUSTOM FLAMES
LIST: \$1,249.00 MAP: \$849.00



MICHAEL SCHENKER STANDARD

- Finish: Black & White
- Body Material: Basswood
- Top Material: Basswood
- Neck Material: Maple Bolt On
- Fretboard Material: Diamondillo
- Inlays: Pearloid Dot
- Scale Length: 24 3/4" (625mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: C
- Nut Width: 1 11/16" (43mm)
- Pickups: DMT Series
- Hardware Color: Chrome
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: DHB V, LL, MLVZ, DGB LG

MS STD
LIST: \$529.00 MAP: \$359.00



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USA CHRISTIAN MARTUCCI V VINTAGE WHITE

- Finish: Vintage White
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Pearl Block
- Scale Length: 24 3/4" (625mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: DiMarzio 36th Anniversary PAF
- Hardware Color: Gold
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: Case Included

USA CMV VWH
LIST: \$4,399.00 MAP: \$3,299.00



CHRISTIAN MARTUCCI V VINTAGE WHITE

- Finish: Vintage White
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Pearl Block
- Scale Length: 24 3/4" (625mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: DiMarzio 36th Anniversary PAF
- Hardware Color: Gold
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: DGB LG, DHS V, LL, MLVZ

CMV VWH
LIST: \$1,749.00 MAP: \$1,149.00



ERIC PETERSON Z FLOYD CLASSIC BLACK

- Finish: Classic Black
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Maple
- Fretboard Material: Ebony
- Inlays: Pearl Diamond
- Scale Length: 24 3/4" (629mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: Eric Peterson Spec. C
- Nut Width: 1 11/16" (43mm)
- Pickups: EMG 81/ EMG 85
- Hardware Color: Black
- Bridge: Floyd Rose 1000
- Tuners: Grover
- Strings: D'Addario EXL110 (.010-.046)
- Case Options: DHS Z, DGB LG, LL MLVZ


EPZ F CBK
LIST: \$1,899.00 MAP: \$1,249.00


12 Specifications subject to change.

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Z SELECT 24 KAHLER CLASSIC WHITE

- Finish: Classic White
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Pearlloid Block
- Scale Length: 24 3/4" (629mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: Seymour Duncan TB-5 Custom Zebra Seymour Duncan APH-1 Custom Zebra
- Hardware Color: Black
- Bridge: Kahler Hybrid
- Tuners: Grover
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: DHS Z, LL MLVZ, DGB LG


Z SEL 24 K CWH
LIST: \$1,899.00 MAP: \$1,249.00



V SELECT 24 KAHLER METALLIC RED SATIN

- Finish: Metallic Red Satin
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Pearlloid Block
- Scale Length: 24 3/4" (629mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: Seymour Duncan TB-5 Custom Zebra Seymour Duncan APH-1 Custom Zebra
- Hardware Color: Black
- Bridge: Kahler Hybrid
- Tuners: Grover
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: DHS V, LL MLVZ, DGB LG

V SEL 24 K MRS
LIST: \$1,899.00 MAP: \$1,249.00



V SELECT FLUENCE BLACK SATIN

- Finish: Black Satin
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Pearlloid Ultra
- Scale Length: 24 3/4" (629mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: C
- Nut Width: 1 11/16" (43mm)
- Pickups: Fishman Fluence Modern Black
- Hardware Color: Black
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: DHS V, LL MLVZ

V SEL FL BKS
LIST: \$1,679.00 MAP: \$1,099.00

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USA V FM PTP TCS
LIST: \$4,489.00 MAP: \$3,299.00



USA TCV
LIST: \$3,699.00 MAP: \$2,799.00



USA V77 TCS
LIST: \$4,399.00 MAP: \$3,299.00



USA V PG GN
LIST: \$3,699.00 MAP: \$2,799.00

USA V POTENTS BENDING FLAME TOP TCS

- Finish: Trans Cherry Sunburst
- Body Material: Mahogany
- Top Material: Flame Maple
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Abalone Dot
- Scale Length: 24 5/8" (625mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: Dimarzio Super Distortion
- Hardware Color: Nickel w/ Brass V Plate
- Bridge: Tune-O-Matic
- Tuners: Vintage Style Chrome
- Strings: D'Addario EXL110 (.010-.046)
- Case Options: Case Included

USA V TIME CAPSULE

- Finish: CBK, TBC, TCS, TAM
- Body Material: Mahogany
- Top Material: Flame Maple
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Abalone Dot
- Scale Length: 24 5/8" (625mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: USA DMT Time Capsule
- Hardware Color: Options Available
- Bridge: Tune-O-Matic
- Tuners: Chrome
- Strings: D'Addario EXL110 (.010-.046)
- Case Options: Case Included

USA V77 TRANS CHERRY SUNBURST

- Finish: Trans Cherry Sunburst
- Body Material: Mahogany
- Top Material: Flame Maple
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Abalone Dot
- Scale Length: 24 5/8" (625mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: Dimarzio Super Distortion
- Hardware Color: Nickel w/ Brass V Plate
- Bridge: Tune-O-Matic
- Tuners: Chrome
- Strings: D'Addario EXL110 (.010-.046)
- Case Options: Case Included
- Limited Run: 35 only

USA V STANDARD W/ PICKGUARD

- Finish: Gloss Natural
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Pearl Dot
- Scale Length: 24 5/8" (625mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: USA DMT Time Capsule
- Hardware Color: Gold
- Bridge: Tune-O-Matic
- Tuners: Chrome
- Strings: D'Addario EXL110 (.010-.046)
- Case Options: Case Included

30 Specifications subject to change.

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V SEL F QM TBZ
LIST: \$1,529.00 MAP: \$999.00



V SEL QM OSB
LIST: \$1,349.00 MAP: \$899.00



V SEL QM TBK
LIST: \$1,349.00 MAP: \$899.00



V SEL CBK
LIST: \$1,269.00 MAP: \$849.00
V SEL CBK L (Lefty)
LIST: \$1,269.00 MAP: \$849.00

V SELECT FLOYD QUILT TOP TRANS BRAZILIA

- Finish: Trans Brazilia
- Body Material: Mahogany
- Top Material: Quilt Maple
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Pearloid Black
- Scale Length: 24 3/4" (625mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: Seymour Duncan TB-5 Custom Zebra
- Hardware Color: Black
- Bridge: Floyd Rose 1000
- Tuners: Chrome
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: DHB V, LL MLVZ, DGB LG

V SELECT QUILT TOP OCEAN BURST

- Finish: Ocean Burst
- Body Material: Mahogany
- Top Material: Quilt Maple
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Pearloid Black
- Scale Length: 24 3/4" (625mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: Seymour Duncan TB-5 Custom Zebra
- Hardware Color: Black
- Bridge: Tune-O-Matic
- Tuners: Chrome
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: DHB V, LL MLVZ, DGB LG

V SELECT QUILT TOP TRANS BLACK

- Finish: Trans Black
- Body Material: Mahogany
- Top Material: Quilt Maple
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Pearloid Black
- Scale Length: 24 3/4" (625mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: Seymour Duncan TB-5 Custom Zebra
- Hardware Color: Black
- Bridge: Tune-O-Matic
- Tuners: Chrome
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: DHB V, LL MLVZ, DGB LG

V SELECT CLASSIC BLACK

- Finish: Classic Black
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Pearloid Black
- Scale Length: 24 3/4" (625mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: Seymour Duncan TB-5 Custom Zebra
- Hardware Color: Black
- Bridge: Tune-O-Matic
- Tuners: Chrome
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: DHB V, LL MLVZ, DGB LG

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V 79 FM TCS
LIST: \$899.00 MAP: \$599.00

V 79 FLAME MAPLE TRANS CHERRY SUNBURST

NEW

- Finish: Trans Cherry Sunburst
- Body Material: Mahogany
- Top Material: Flame Maple
- Neck Material: Mahogany
- Fretboard Material: Indian Rosewood
- Inlays: Abalone Dot
- Scale Length: 24 3/4" (629mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: DMT Series Time Capsule
- Hardware Color: Chrome
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: DHS V, LL, MLVZ, DGB LG



V 79 TCH
LIST: \$829.00 MAP: \$549.00

V 79 TRANS CHERRY

NEW

- Finish: Trans Cherry
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Mahogany
- Fretboard Material: Indian Rosewood
- Inlays: Abalone Dot
- Scale Length: 24 3/4" (629mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: DMT Series Time Capsule
- Hardware Color: Chrome
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: DHS V, LL, MLVZ, DGB LG



V 79 CBK
LIST: \$829.00 MAP: \$549.00

V 79 CLASSIC BLACK

NEW

- Finish: Classic Black
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Mahogany
- Fretboard Material: Indian Rosewood
- Inlays: Abalone Dot
- Scale Length: 24 3/4" (629mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: DMT Series Time Capsule
- Hardware Color: Chrome
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: DHS V, LL, MLVZ, DGB LG



VX F BKS
LIST: \$619.00 MAP: \$399.00


VX FLOYD BLACK SATIN

NEW

- Finish: Black Satin
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Maple Bolt On
- Fretboard Material: Indian Rosewood
- Inlays: Pearlloid Dot
- Scale Length: 24 3/4" (629mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: C
- Nut Width: 1 11/16" (43mm)
- Pickups: DMT Design Zebra
- Hardware Color: Black
- Bridge: Floyd Rose PRD
- Tuners: Sealed Die Cast
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: DHS V, LL, MLVZ, DGB LG

32 Specifications subject to change.





VX OM TBZ
LIST: \$619.00 MAP: \$399.00

VX QUILT MAPLE TRANS BRAZILIA

NEW

- Finish: Trans Brazilia
- Body Material: Mahogany
- Top Material: Quilt Maple
- Neck Material: Maple Bolt On
- Fretboard Material: Indian Rosewood
- Inlays: Pearlloid Dot
- Scale Length: 24 3/4" (629mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: C
- Nut Width: 1 11/16" (43mm)
- Pickups: DMT Design Zebra
- Hardware Color: Black
- Bridge: Tune-O-Matic
- Tuners: Sealed Die Cast
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: DHS V, LL, MLVZ, DGB LG



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USA Z PATENTS PENDING FLAME TOP TRANS BRAZILIA

NEW USA



USA Z FM PTP TBZ
LIST: \$4,489.00 MAP: \$3,299.00

- Finish: Trans Brazilia
- Body Material: Mahogany
- Top Material: Flame Maple
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Abalone Dot
- Scale Length: 24.58" (625mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: DiMarzio Super Distortion
- Hardware Color: Nickel w/ Brass V Plate
- Bridge: Tune-O-Matic
- Tuners: Vintage Style Grover
- Strings: D'Addario EXL110 (010-046)
- Case Options: Case Included

USA Z PATENTS PENDING FLAME TOP TCS

NEW USA



USA Z FM PTP TCS
LIST: \$4,489.00 MAP: \$3,299.00

- Finish: Trans Cherry Sunburst
- Body Material: Mahogany
- Top Material: Flame Maple
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Abalone Dot
- Scale Length: 24.58" (625mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: DiMarzio Super Distortion
- Hardware Color: Nickel w/ Brass V Plate
- Bridge: Tune-O-Matic
- Tuners: Vintage Style Grover
- Strings: D'Addario EXL110 (010-046)
- Case Options: Case Included

USA Z TIME CAPSULE TRANS BRAZILIA

USA



USA TCZ TBZ
LIST: \$3,699.00 MAP: \$2,799.00

- Finish: Trans Brazilia
- Body Material: Mahogany
- Top Material: Flame Maple
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Abalone Dot
- Scale Length: 24.58" (625mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: USA DMT Time Capsule
- Hardware Color: Nickel
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL110 (010-046)
- Case Options: Case Included

USA Z TIME CAPSULE CLASSIC BLACK

USA



USA TCZ CBK
LIST: \$3,699.00 MAP: \$2,799.00

- Finish: Classic Black
- Body Material: Mahogany
- Top Material: Maple
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Abalone Dot
- Scale Length: 24.58" (625mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: USA DMT Time Capsule
- Hardware Color: Nickel
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL110 (010-046)
- Case Options: Case Included

34 Specifications subject to change.

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Z SELECT FLOYD QUILT TOP OCEAN BURST



Z SEL F OM OSB
LIST: \$1,529.00 MAP: \$999.00

- Finish: Ocean Burst
- Body Material: Mahogany
- Top Material: Quilt Maple
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Pearlloid Block
- Scale Length: 24.54" (623mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: Seymour Duncan TB-5 Custom Zebra
- Hardware Color: Black
- Bridge: Floyd Rose 1000
- Tuners: Grover
- Strings: D'Addario EXL120 (009-042)
- Case Options: DHS Z LL MLVZ, DGB LG

Z SELECT CLASSIC BLACK



Z SEL CBK
LIST: \$1,269.00 MAP: \$849.00

- Finish: Classic Black
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Pearlloid Block
- Scale Length: 24.54" (623mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: Seymour Duncan TB-5 Custom Zebra
- Hardware Color: Black
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL120 (009-042)
- Case Options: DHS Z LL MLVZ, DGB LG

Z SELECT QUILT TOP TRANS BRAZILIA



Z SEL OM TBZ
LIST: \$1,349.00 MAP: \$899.00

- Finish: Trans Brazilia
- Body Material: Mahogany
- Top Material: Quilt Maple
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Pearlloid Block
- Scale Length: 24.54" (623mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: Seymour Duncan TB-5 Custom Zebra
- Hardware Color: Black
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL120 (009-042)
- Case Options: DHS Z LL MLVZ, DGB LG

Z79 CLASSIC BLACK

NEW



Z 79 CBK
LIST: \$629.00 MAP: \$549.00

- Finish: Classic Black
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Mahogany
- Fretboard Material: Indian Rosewood
- Inlays: Abalone Dot
- Scale Length: 24.54" (623mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: DMT Series Time Capsule
- Hardware Color: Chrome
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL120 (009-042)
- Case Options: DHS Z LL MLVZ, DGB LG

for more information visit www.danquigars.com

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Z 79 FLOYD TRANS CHERRY
NEW



Z 79 F TCH
LIST: \$899.00 MAP: \$599.00

- Finish: Trans Cherry
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Mahogany
- Fretboard Material: Indian Rosewood
- Inlays: Abalone Dot
- Scale Length: 24 3/4" (623mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: DMT Series Time Capsule
- Hardware Color: Chrome
- Bridge: Floyd Holo Special
- Tuners: Grover
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: DHS Z, LL, MLVZ, DGB LG



Z 79 NATURAL MAHOGANY
NEW



Z 79 MAH
LIST: \$829.00 MAP: \$549.00

- Finish: Gloss Natural
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Mahogany
- Fretboard Material: Indian Rosewood
- Inlays: Abalone Dot
- Scale Length: 24 3/4" (623mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: DMT Series Time Capsule
- Hardware Color: Chrome
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: DHS Z, LL, MLVZ, DGB LG



ZX FLOYD BLACK SATIN
NEW



ZX F BKS
LIST: \$619.00 MAP: \$399.00

- Finish: Black Satin
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Maple Bolt On
- Fretboard Material: Indian Rosewood
- Inlays: Pearloid Dot
- Scale Length: 24 3/4" (623mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: C
- Nut Width: 1 11/16" (43mm)
- Pickups: DMT Design
- Hardware Color: Black
- Bridge: Floyd Rose FR30
- Tuners: Sealed Die Cast
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: DHS Z, LL, MLVZ, DGB LG



ZX QUILT MAPLE TRANS BRAZILIA
NEW



ZX QM TBZ
LIST: \$619.00 MAP: \$399.00


- Finish: Trans Brazilia
- Body Material: Mahogany
- Top Material: Quilt Maple
- Neck Material: Maple Bolt On
- Fretboard Material: Indian Rosewood
- Inlays: Pearloid Dot
- Scale Length: 24 3/4" (623mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: C
- Nut Width: 1 11/16" (43mm)
- Pickups: DMT Design
- Hardware Color: Black
- Bridge: Tune-O-Matic
- Tuners: Sealed Die Cast
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: DHS Z, LL, MLVZ, DGB LG

36 Specifications subject to change.


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Z SELECT BASS FLUENCE BLACK SATIN
NEW



Z SEL BASS FL BKS
LIST: \$1,749.00 MAP: \$1,149.00

- Finish: Black Satin
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: 3pc Maple
- Fretboard Material: Ebony
- Inlays: Pearloid Offset Diamond
- Scale Length: 34" (863mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: C
- Nut Width: 1 5/8" (41mm)
- Pickups: Fishman Fluence Bass
- Hardware Color: Black
- Bridge: High-Mass Bass Bridge
- Tuners: Grover
- Strings: D'Addario EXL165 (.045-.105)
- Case Options: DGB EB

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V METALMAN CLASSIC BLACK

- Finish: Classic Black
- Body Material: Basswood
- Top Material: Basswood
- Neck Material: Maple Bolt On
- Fretboard Material: Walnut
- Inlays: Pearlloid Dot
- Scale Length: 34" (863mm)
- Fretboard Radius: 16" (405mm)
- Neck Shape: C
- Nut Width: 1 1/2" (38mm)
- Pickups: DMT Design
- Hardware Color: Black
- Bridge: Die Cast
- Tuners: Sealed Die Cast
- Strings: (.045-.100)
- Case Options: DGB LB



Z METALMAN CLASSIC BLACK

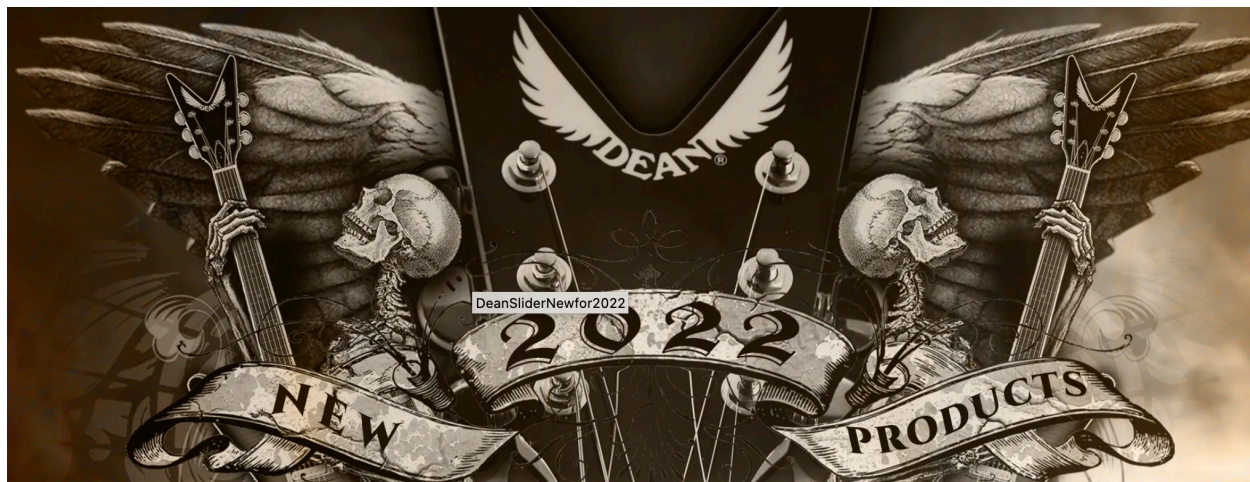
- Finish: Classic Black
- Body Material: Basswood
- Top Material: Basswood
- Neck Material: Maple Bolt On
- Fretboard Material: Walnut
- Inlays: Pearlloid Dot
- Scale Length: 34" (863mm)
- Fretboard Radius: 16" (405mm)
- Neck Shape: C
- Nut Width: 1 1/2" (38mm)
- Pickups: DMT Design
- Hardware Color: Black
- Bridge: Die Cast
- Tuners: Sealed Die Cast
- Strings: (.045-.100)
- Case Options: DGB LB

VM

LIST: \$369.00 MAP: \$249.00

ZM

LIST: \$369.00 MAP: \$249.00



NEW DEAN V



V 79 FLOYD TRANS CHERRY BURST

As a result of Defendants' continued violation of this Court's permanent injunction order, Gibson asks for an emergency hearing to sanction Defendants for its contempt and escalation of infringement after forcing Gibson to file for contempt. In other words, Gibson only asks this Court to enforce its permanent injunction before additional irreparable harm is caused by Defendants infringement.

II. ARGUMENT AND CITIATION TO AUTHORITY

A. **Defendants Are Still in Contempt.**

Gibson provided the analysis for civil contempt in its Motion for Contempt. [See Dkt. No. 552 at 3-9.] To summarize, Gibson bears the burden of establishing by clear and convincing evidence: (1) that a court order was in effect, (2) that the order required certain conduct by the Armadillo, and (3) that Armadillo failed to comply with the Court's order. *American Airlines, Inc. v. Allied Pilots Ass'n*, 228 F.3d 574, 581 (5th Cir. 2000); *Test Masters Educational Serv., Inc. v. Singh*, 428 F.3d 559, 581-82 (5th Cir. 2005); *Blackmer v. United States*, 284 U.S. 421 (1932). None of the elements of civil contempt are in question.

Instead of attempting to negate the civil contempt elements, Armadillo has claimed that it should be excused from civil contempt because of a change at CEO. [See Opposition Brief.] Gibson disagrees that a change at CEO should prevent Armadillo from complying with the Court's permanent injunction order and Armadillo provided no authority where a court allowed noncompliance by reason of a change in a company's personnel. This excuse is further called into question considering that Armadillo's website is still not in compliance despite Gibson's Motion for Contempt and Reply Brief specifically noting the infringing content. Now, instead of attempting to comply with the Court's permanent injunction, Defendants has linked a Dean 2021 catalog, containing pages of infringement, to nearly every page of its website. Furthermore within its "new"

2022 line they include a “new” Dean V. There comes a point where complete conscious disregard cannot explain away nefarious intent.

As a result, Gibson renews its request that this Court sanction Defendants by fining them at least \$2,000 per day since the date of judgement, until they purge the contempt by (1) complying with every requirement of the permanent injunction, (2) paying any accrued fines, and (3) certifying to the Court they have done so.

Gibson further renews its request for reasonable costs and attorneys’ fees. [See Motion for Contempt at 11-12.] Gibson has repeatably attempted to get Defendants in compliance including listing specific instances of infringement on Armadillo’s website. [See Reply Brief at 4-8 (displaying pictures of infringements on www.deanguitars.com.)] Despite Gibson’s efforts, Defendants continue to infringe and irreparably damage Gibson’s trademarks. In fact, it appears Armadillo has linked a Dean 2021 catalog that contains pages of infringements¹ and even launched a “new” Dean V, despite the injunction. Gibson should not be required to incur additional costs and fees for Defendants’ complete failure to comply with this Court’s order.

B. Defendants’ Continued Contempt Warrants an Emergency Hearing.

Pursuant to L.R. CV-7(l), Gibson files this Emergency Supplemental Motion for Contempt and the Request for an Emergency Hearing as an emergency motion. Every day that Armadillo is allowed to manufacture, advertise, and/or sell the infringing guitars that display counterfeit trademarks, Gibson is irreparably damaged. If Armadillo continues to infringe and counterfeit the Gibson trademarks, Gibson has lost control of its brand.

Courts in the Fifth Circuit find imminent irreparable harm under these circumstances. *See Paulsson Geophysical Services, Inc. v. Sigmar*, 529 F.3d 303, 313 (5th Cir. 2008) (holding that where misrepresenting party continued “to use the mark” the senior user “had lost control of the quality of

¹ Upon information and belief, Dean has linked even more Dean V guitar images to its website.

the technology that was being associated with its mark); *see also Mary Kay, Inc. v. Weber*, 661 F.Supp.2d 632, 640 N.D. Tex. 2009) (“if one trademark user cannot control the quality of the unauthorized user’s goods and services, he can suffer irreparable harm.”)² Defendants have already responded to Gibson’s Motion for Contempt. Instead of negating the elements for civil contempt, Armadillo pled excuses and misrepresented that its website was in compliance. Allowing the fourteen-day response time propagated in L.R. 7(e) is inadequate to prevent further imminent irreparable damage and a waste of time.

III. CONCLUSION.

As such, this Court should hold Defendants in civil contempt, sanction Defendants until the contempt is purged, and award Gibson costs and attorneys’ fees of having to bring and supplement this Contempt Motion.

Respectfully submitted, this 18th day of October 2022.

/s/ Andrea E. Bates
 Andrea E. Bates
Pro Hac Vice
 Kurt Schuettinger
Pro Hac Vice
 Johnathan M. Bates
Pro Hac Vice
 Bates & Bates, LLC
 1890 Marietta Boulevard NW
 Atlanta, Georgia 30318
 Telephone: (404) 228-7439
 Facsimile: (404) 963-6231
abates@bates-bates.com
kschuettinger@bates-bates.com
jbates@bates-bates.com

² *See also Kos Pharm., Inc. v. Andrx Corp., Inc.*, 369 F.3d 700, 726 (3d Cir. 2004) (“Grounds for irreparable harm include loss of control of reputation, loss of trade, and loss of goodwill.”); *see also Re/Max N. Cent., Inc. v. Cook*, 272 F.3d 424, 432 (7th Cir. 2001) (“The most corrosive and irreparable harm attributable to trademark infringement is the inability of the victim to control the nature and quality of the defendants’ goods”).

Stephen D. Howen
State Bar No. 10117800
Law Office of Steve Howen
7111 Bosque Blvd., Suite 305
Waco, TX 76710
Telephone: (254) 826-6526
Facsimile: (254) 822-4926
steve@stevehowenlegal.com

Attorneys for Plaintiff
GIBSON BRANDS, INC.

CERTIFICATE OF CONFERENCE

I, the undersigned, hereby certify that on the 14th and 17th day of October 2022, I conferred with counsel for Defendant Armadillo Distribution Enterprises, Inc. and Concordia Investment Partners, LLC, who indicated that the Defendants were opposed to the motion.

/s/ Andrea E. Bates
Andrea E. Bates

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was served on all counsel of record via this Court's CM/ECF electronica filing system on October 18, 2022.

/s/ Andrea E. Bates
Andrea E. Bates